

# **EXHIBIT 21**

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY  
2 BRANCH 1

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3 STATE OF WISCONSIN,

4 PLAINTIFF, JURY TRIAL  
5 vs. TRIAL - DAY 9  
Case No. 05 CF 381

6 STEVEN A. AVERY,

7 DEFENDANT.

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8 DATE: FEBRUARY 22, 2007

9 BEFORE: Hon. Patrick L. Willis  
10 Circuit Court Judge

11 APPEARANCES: KENNETH R. KRATZ  
12 Special Prosecutor  
On behalf of the State of Wisconsin.

13 THOMAS J. FALLON  
14 Special Prosecutor  
On behalf of the State of Wisconsin.

15 NORMAN A. GAHN  
16 Special Prosecutor  
On behalf of the State of Wisconsin.

17 DEAN A. STRANG  
18 Attorney at Law  
On behalf of the Defendant.

19 JEROME F. BUTING  
20 Attorney at Law  
On behalf of the Defendant.

21 STEVEN A. AVERY  
22 Defendant  
Appeared in person.

23 TRANSCRIPT OF PROCEEDINGS

24 Reported by Diane Tesheneck, RPR  
25 Official Court Reporter

1 Q. During that thorough search, did you have  
2 occasion to search the bedroom of Mr. Avery's  
3 trailer?

4 A. Yes, we did.

5 Q. And we have heard about a lot of that search, but  
6 I'm specifically going to direct your attention  
7 to the key and the finding of the key in that  
8 bedroom. Do you recall how that occurred?

9 A. Yes, I do.

10 Q. Why don't you tell the jury how that occurred,  
11 please.

12 A. We were concluding the search in the bedroom.  
13 We, as Lieutenant Lenk, Sergeant Colborn and I.  
14 I was mostly doing the photographing, and logging  
15 in and packaging of evidence. However, I did  
16 search the nightstand. I was sitting on the bed  
17 and the nightstand was right there, so when I had  
18 time between my duties, I would search the  
19 nightstand. We were just wrapping up the search  
20 and Lieutenant Lenk left the room to get some  
21 more boxes for some of the things that we were  
22 taking into evidence.

23 Sergeant Colborn was searching --  
24 finishing up his search of an area on the east  
25 wall, next to the bookcase. And I was sitting on

1                   the bed near the nightstand. Lieutenant Lenk  
2                   came back into the room, stopped at the doorway,  
3                   pointed at the floor, just a couple of feet away  
4                   from where my feet were sitting on the floor, and  
5                   said there was a key there.

6       Q.   I'm going to show you, just as you describe this,  
7                   Exhibit No. 210, ask if this image looks familiar  
8                   to you?

9       A.   That's the key, that's where the key was sitting  
10                  when we found it.

11      Q.   How far was this key away from you as you were  
12                  sitting on the bed?

13      A.   Just a of couple feet.

14      Q.   Had you seen that key, either before Lieutenant  
15                  Lenk left the room, or at any time actually prior  
16                  to Lieutenant Lenk's return?

17      A.   No, I did not.

18      Q.   Now, when Lieutenant Lenk said, there's a key,  
19                  where was he standing when he said that.

20      A.   He was standing in the doorway.

21      Q.   Had he gotten to that area yet when he said that?

22      A.   No.

23      Q.   I'm just going to ask you, Deputy Kucharski, were  
24                  you surprised to see that on the floor?

25      A.   Yes.

1 Q. What happened after you saw that key on the  
2 floor?

3 A. Lieutenant Lenk pointed out the key; we all  
4 looked at it. We all decided it was a Toyota  
5 emblem on it. Stopped all searching. I had  
6 everybody stop the searching. Immediately took a  
7 photograph of it. I had taken my gloves off to  
8 finish up my -- tough to write and take pictures  
9 with the rubber gloves on. So I had taken the  
10 gloves off, so I put on a fresh pair of gloves. I  
11 took out a new evidence bag out of the --

12 Q. Let me just stop you. A fresh pair of gloves,  
13 does that mean that it had touched any other  
14 pieces of evidence in that room?

15 A. No, it did not. It came directly out of the  
16 package.

17 Q. All right. So you put fresh gloves on, what did  
18 you do then?

19 A. I took a new evidence bag out of the stack of  
20 bags, picked up the key with the -- with my  
21 gloved hand, put it into the new evidence bag and  
22 then I contacted the Command Post.

23 Q. Deputy Kucharski, the jury has already seen the  
24 actual key, itself, but I'm going to show you  
25 something that's been marked as Exhibit 219, can

1                   the key. I think the only person that would have  
2                   had the key would be the person that killed  
3                   Teresa --

4                   ATTORNEY BUTING: Objection, speculation.

5                   THE COURT: Sustained.

6                   ATTORNEY BUTING: Move to strike.

7                   THE COURT: Court will order the answer  
8                   stricken.

9                  Q. (By Attorney Kratz)~ I want you to limit your  
10                 comments to your observations. What about your  
11                 observations do you believe it was impossible or  
12                 improbable for them to plant that key?

13                 A. My actual observations, I would have to say  
14                 that -- that it could be possible, as in I was  
15                 doing other things. I was taking photographs. I  
16                 was searching the nightstand. So, if we're just  
17                 limiting it to if it was possible that they could  
18                 do it without me seeing it, I would say, yes, I  
19                 guess it is possible.

20                 Q. All right. And is that in the sense of anything  
21                 is possible?

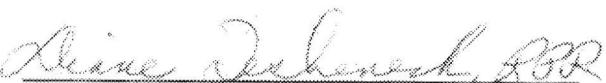
22                 A. That's in the sense of it's possible aliens put  
23                 it there, I guess.

24                 Q. All right. And in that regard, though, Deputy  
25                 Kucharski, while you were working with these

1 STATE OF WISCONSIN )  
2 )ss  
3 COUNTY OF MANITOWOC )

4 I, Diane Tesheneck, Official Court  
5 Reporter for Circuit Court Branch 1 and the State  
6 of Wisconsin, do hereby certify that I reported  
7 the foregoing matter and that the foregoing  
8 transcript has been carefully prepared by me with  
9 my computerized stenographic notes as taken by me  
10 in machine shorthand, and by computer-assisted  
11 transcription thereafter transcribed, and that it  
12 is a true and correct transcript of the  
13 proceedings had in said matter to the best of my  
14 knowledge and ability.

15 Dated this 7th day of November, 2007.  
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17

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19 Diane Tesheneck, RPR  
20 Official Court Reporter  
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